

**Executive Summary – Enforcement Matter – Case No. 33235**  
**Chung Nguyen dba Hilltop Village Mobile Home Park**  
**RN104845029**  
**Docket No. 2011-2082-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Indifference to legal duty based on violation of a previous order.

**Media:**

MWD

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Hilltop Village Mobile Home Park, located on service road at the Highway 190 and Loop 121 intersection, Belton, Bell County

**Type of Operation:**

Mobile home park with or on-site sewage facility ("OSSF")

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 6, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$58,750

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$47,750

**Total Due to General Revenue:** \$11,000

Payment Plan: 22 payments of \$500 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 33235**  
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***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** October 7, 2011

**Date(s) of NOE(s):** October 17, 2011

***Violation Information***

Failed to obtain proper authorization for the treatment and disposal of wastewater [TEX. WATER CODE § 26.121, TEX. ADMIN CODE § 305.42(a), and TCEQ Agreed Order Docket No. 2007-0612-MWD-E, Ordering Provision Nos. 2.a, 2.b, and 2.c.].

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 270 days, connect all wastewater lines to the City of Belton's collection system;
- b. Within 285 days, submit certification demonstrating compliance;
- c. Within 300 days, abandon all OSSFs; and
- d. Within 315 days, submit certification demonstrating compliance.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3034; Debra Barber, Enforcement Division, MC 219, (512) 239-0412.

**TCEQ SEP Coordinator:** N/A

**Respondent:** Chung Nguyen, Owner, Hilltop Village Mobile Home Park, 1520 West Avenue O, Belton, Texas 76513

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES

Assigned  
PCW

24-Oct-2011  
7-Nov-2011

Screening 7-Nov-2011

EPA Due

## RESPONDENT/FACILITY INFORMATION

Respondent Chung Nguyen dba Hilltop Village Mobile Home Park

Reg. Ent. Ref. No. RN104845029

Facility/Site Region 9-Waco

Major/Minor Source Minor

## CASE INFORMATION

Enf./Case ID No. 33235

Docket No. 2011-2082-MWD-E

Media Program(s) Water Quality

Multi-Media

No. of Violations 1

Order Type Findings

Government/Non-Profit No

Enf. Coordinator Heather Brister

EC's Team Enforcement Team 1

Admin. Penalty \$ Limit Minimum

\$0

Maximum

\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

**Subtotal 1** \$47,000

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History**

25.0%

Enhancement

**Subtotals 2, 3, & 7** \$11,750

Notes

Enhancement for one NOV with same/similar violations and one order with denial of liability.

**Culpability**

No

0.0%

Enhancement

**Subtotal 4** \$0

Notes

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments**

**Subtotal 5** \$0

**Economic Benefit**

Total EB Amounts \$14,041

Approx. Cost of Compliance \$50,000

0.0% Enhancement\*

\*Capped at the Total EB \$ Amount

**Subtotal 6** \$0

**SUM OF SUBTOTALS 1-7**

**Final Subtotal** \$58,750

**OTHER FACTORS AS JUSTICE MAY REQUIRE**

0.0%

**Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** \$58,750

**STATUTORY LIMIT ADJUSTMENT**

**Final Assessed Penalty** \$58,750

**DEFERRAL**

0.0%

Reduction

**Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

**\$58,750**

Screening Date 7-Nov-2011

Docket No. 2011-2082-MWD-E

PCW

Respondent Chung Nguyen dba Hilltop Village Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 33235

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104845029

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for one NOV with same/similar violations and one order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 25%

Screening Date 7-Nov-2011

Docket No. 2011-2082-MWD-E

PCW

Respondent Chung Nguyen dba Hilltop Village Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 33235

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104845029

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121, Tex. Admin. Code § 305.42(a), and Texas Commission on Environmental Quality Agreed Order Docket No. 2007-0612-MWD-E, Ordering Provision Nos. 2.a, 2.b, and 2.c

Violation Description

Failed to obtain proper authorization for the treatment and disposal of wastewater, as documented during a record review conducted on October 7, 2011. Specifically, domestic wastewater is processed via numerous septic tanks at the Site resulting in a combined flow of greater than 5,000 gallons per day.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification	x		

Percent 10%

Matrix Notes

100% of the rule and Order requirements were not met.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 47

1415 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$47,000

Forty-seven monthly events are recommended from the effective date of the order (December 20, 2007) to the screening date (November 7, 2011).

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$47,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$14,041

Violation Final Penalty Total \$58,750

This violation Final Assessed Penalty (adjusted for limits) \$58,750

# Economic Benefit Worksheet

**Respondent** Chung Nguyen dba Hilltop Village Mobile Home Park

**Case ID No.** 33235

**Reg. Ent. Reference No.** RN104845029

**Media** Water Quality

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$50,000	20-Dec-2007	31-Jul-2013	5.62	\$14,041	n/a	\$14,041
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to connect all wastewater lines to the City of Belton's collection system and to abandon all septic tanks in accordance with 30 TEX. ADMIN CODE § 285.36. Date required is the effective date of the previous order. Final date is the anticipated date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$50,000

**TOTAL**

\$14,041

# Compliance History

Customer/Respondent/Owner-Operator: CN602966509 Nguyen, Chung Classification: AVERAGE Rating: 24.00  
Regulated Entity: RN104845029 HILLTOP VILLAGE MOBILE HOME PARK Classification: AVERAGE Site Rating: 24.00  
ID Number(s):  
Location: ON SERVICE ROAD AT HIGHWAY 190 AND LOOP 121  
INTERSECTION, BELTON, BELL COUNTY, TEXAS  
TCEQ Region: REGION 09 - WACO  
Date Compliance History Prepared: December 07, 2011  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: December 07, 2006 to December 07, 2011  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Heather Brister Phone: (254) 761-3034

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.  
Effective Date: 12/20/2007 ADMINORDER 2007-0612-MWD-E  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121  
30 TAC Chapter 305, SubChapter C 305.42(a)  
Description: Failure to obtain proper authorization for the treatment and disposal of wastewater.
- B. Any criminal convictions of the state of Texas and the federal government N/A
- C. Chronic excessive emissions events. N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 03/24/2010 (767017)  
2 10/20/2011 (950545)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
Date: 03/24/2010 (767017)  
Self Report? NO Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121  
30 TAC Chapter 305, SubChapter C 305.42(a)  
Description: Failure to obtain proper authorization for the treatment and disposal of wastewater.
- F. Environmental audits. N/A
- G. Type of environmental management systems (EMSs). N/A
- H. Voluntary on-site compliance assessment dates. N/A
- I. Participation in a voluntary pollution reduction program. N/A
- J. Early compliance. N/A

Sites Outside of Texas

N/A





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CHUNG NGUYEN DBA HILLTOP  
VILLAGE MOBILE HOME PARK  
RN104845029**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2011-2082-MWD-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Chung Nguyen dba Hilltop Village Mobile Home Park ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

## **I. FINDINGS OF FACT**

1. The Respondent owns a mobile home park with a on-site sewage facility ("OSSF") that treats a combined flow of greater than 5,000 gallons per day located on a service road at the Highway 190 and Loop 121 intersection in Belton, Bell County, Texas (the "Site").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. During a record review conducted on October 7, 2011, TCEQ staff documented that domestic wastewater was processed via numerous OSSFs at the Site resulting in a combined flow of greater than 5,000 gallons per day.
4. The Respondent received notice of the violations on October 21, 2011.

## **II. CONCLUSIONS OF LAW**

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to obtain proper authorization for the treatment and disposal of wastewater, in violation of TEX. WATER CODE § 26.121, TEX. ADMIN CODE § 305.42(a), and TCEQ Agreed Order Docket No. 2007-0612-MWD-E, Ordering Provision Nos. 2.a, 2.b, and 2.c.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Fifty-Eight Thousand Seven Hundred Fifty Dollars (\$58,750) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

The Respondent has paid Forty-Seven Thousand Seven Hundred Fifty Dollars (\$47,750) of the administrative penalty. The remaining amount of Eleven Thousand Dollars (\$11,000) of the administrative penalty shall be payable in 22 monthly payments of Five Hundred Dollars (\$500) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event

the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

### **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Fifty-Eight Thousand Seven Hundred Fifty Dollars (\$58,750) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chung Nguyen dba Hilltop Village Mobile Home Park, Docket No. 2011-2082-MWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
  - a. Within 270 days after the effective date of this Agreed Order, connect all wastewater lines to the City of Belton's collection system;
  - b. Within 285 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.e, below;
  - c. Within 300 days after the effective date of this Agreed Order, abandon all OSSFs in accordance with 30 TEX. ADMIN CODE § 285.36;
  - d. Within 315 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision No. 2.c, in accordance with Ordering Provision No. 2.e, below; and

- e. The certification of compliance required by Ordering Provision Nos. 2.b and 2.d, shall be notarized by a State of Texas Notary Public and include the following certification language and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

*Pam Davis*  
For the Executive Director

9/4/12  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Chung Nguyen dba Hilltop Village Mobile Home Park. I am authorized to agree to the attached Agreed Order on behalf of Chung Nguyen dba Hilltop Village Mobile Home Park, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Chung Nguyen dba Hilltop Village Mobile Home Park waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*Chung Nguyen*  
Signature

07.23.12  
Date

Chung Van Nguyen  
Name (Printed or typed)  
Authorized Representative of  
Chung Nguyen dba Hilltop Village Mobile Home Park

Owner  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.